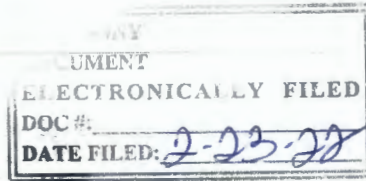




MEMO ENDORSED

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February 21, 2022

DELIVER VIA ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **United States v. Ofer Abarbanel**
21 Cr. 532 (LAK)

Dear Judge Kaplan:

We represent Ofer Abarbanel in the above-referenced matter. For the reasons set forth below, we write to respectfully request an adjournment of the motions schedule (defense motions deadline of March 2, 2022, Government response date of April 4, 2022, and status conference/motions argument of April 20, 2022). The Government joins in this request.

As the Court is aware, we have been representing Mr. Abarbanel since the fall when we were appointed by Your Honor under the Criminal Justice Act. We have been working with the Government diligently to transfer the multi-terabyte discovery in the case and render it in a form useful for our examination. Despite the parties' best efforts, this has taken a significant amount of time. For these reasons, the Court has granted the parties' requests for adjournments of the motions schedule thus far. While those efforts remaining ongoing, the instant adjournment is for another purpose entirely.

During our review of the discovery and in our efforts to consider potential pre-trial motions, we believe there is significant evidentiary support for a potential defense which could resolve this matter without further litigation. We have advised the Government of these facts and accepted their invitation to present evidence (including documents beyond Rule 16 discovery which we have uncovered through our own investigation) to support our proposal. This process is taking significant time and is justifiably drawing our efforts away from motions practice. Further, we believe that the filing of potentially antagonistic motions would be exceedingly counterproductive to this potentially dispositive effort.

For these reasons, we respectfully submit that adjourning the present motion schedule *sine die* and setting a status conference in early April, will permit the parties the requisite time for the defense to present this evidence to the Government, the Government to evaluate it, and the parties to provide the Court with a written update in advance of the conference. We believe that this proposal is in the best interest of both Mr. Abarbanel and the Government, as well as the Court and the public, as it could lead to a potential resolution of this matter without the filing of motions or trial.



Glen G. McGorty
February 21, 2022

Should the Court require any additional information please do not hesitate to contact the undersigned at Your Honor's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Glen G. McGorty'.

Glen G. McGorty

Cc: AUSA Christopher Clore
Southern District of New York

Granted. Status
conference will be
4/6/22 at 10 am

SO ORDERED

A handwritten signature in black ink, appearing to read 'Lewis A. Kaplan'.

LEWIS A. KAPLAN, USDJ

2/23/21